

Serial No. 10/040,566  
Docket No. LEAP:109US  
Request for Recon. Dated: March 30, 2004  
Reply to Office Action of December 30, 2003

### REMARKS

#### The Rejection of Claims 1,4, and 7-9 under 35 U.S.C. §102

Claims 1, 4 and 7-9 were rejected under 35 U.S.C. §102(b) as being unpatentable by Ikoh *et al.* (USPN 5,861,985). Specifically, for Claims 1, 7 and 9, it is believed that Ikoh discloses a microscope for automatically turning off a source of illumination (17) in a microscope comprising: a switch (19) operatively arranged to control the illumination source; the control (4) for sensing inactivity of the switch and for turning off the illumination source after a predetermined time period of inactivity. See figures 1-5. Col.2, lines 33-68 to col.6, lines 1-2. Applicants respectfully traverse the rejections by noting that several elements of independent Claims 1, 7 and 9 are not taught by any of the embodiments disclosed in Ikoh *et al.*

Claim 1 of Ikoh teaches:

An automatic microscope comprising: an operating member operated electrically; a plurality of detectors provided on mutually different parts of the microscope for detecting presence of different parts of an **observer**, respectively each of said detectors including a light source for emitting light to a predetermined area around the microscope and a photosensor unit for receiving light from said light source that is reflected by the **observer**; and a control circuit for controlling operation of said operating member according to a combination of output signals from said detectors.

An examination of the five embodiments of the Ikoh invention reiterate that Ikoh teaches a control unit 4 which is regulated by a sensor 3 which senses the presence or absence of a **person/observer** within a predetermined detection range.

When a **person** approaches the microscope and enters a predetermined detection range of the sensor 3 while the switch 5 is closed, said sensor 3 detects the presence of said person and shifts the output to the low-level ("L") state... When the **person** leaves the microscope and steps out of the predetermined detection range of the sensor 3, it no longer detects the presence of said person and shifts the output to the H-level. (Col. 2, lines 49-62, emphasis added.)

Simply put, Ikoh has NOTHING to do with sensing inactivity of a switch and turning off an illumination source after a predetermined time period of inactivity. Detecting the presence or

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absence of a person near a microscope cannot be equated with sensing the inactivity of an inanimate switch. The third and fourth embodiments of Ikoh do mention turning lamp or illumination systems on or off. However, the turning on/off of a lamp or illumination system is regulated by detecting the presence or absence of a **person/observer** near the microscope and has nothing to do with sensing inactivity of a switch. Furthermore, even with an extremely broad reading of the teachings of Ikoh regarding control unit 4 turning off an illumination source based on the presence or absence of a person/observer, there is NO teaching that the illumination source is turned off after a predetermined time period of inactivity. Instead the sensors provided at or on the microscope in Ikoh, sense “activity”, specifically the “activity” being the presence of a person/observer near the microscope. Thus, instead of regulating the illumination source after a predetermined time of inactivity, control unit 4 in Ikoh merely regulates a lamp or illumination system based on whether a person is active/nearby. So, the turning off of an illumination source in Ikoh, does not, in any way, correlate with the time period of **inactivity of a source of illumination**. Therefore, Ikoh does not teach a means or method for sensing inactivity of said switch and for turning off said illumination source after a predetermined time period of inactivity as required by Claims 1, 7 and 9.

Since Claims 4 and 8 depend from independent Claims 1 and 7, respectively, they too are not anticipated by Ikoh *et al.* for the reasons set forth above. Giving Ikoh *et al.* an extremely broad interpretation, Ikoh merely regulates a lamp or illumination system based on activity, the activity being whether a person is nearby. Again, this has nothing to do with sensing inactivity of a switch and for turning off said illumination source after a predetermined time period of inactivity. As such Ikoh *et al.* regulates a light source based on movement/activity of an observer/person while the present invention regulates the light source based on a predetermined time period of inactivity of a switch. Thus, Applicants respectfully request that the rejections of these claims be withdrawn.

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The Rejection of Claims 2-3, 5-6 and 10-11 under 35 U.S.C. §103

Claims 2-3, 5-6 and 10-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ikoh *et al.* (USPN 5,861,985). It is believed that some of the elements of these claims would have been an obvious design choice to one of ordinary skill in the art. Applicants respectfully traverse these rejections.

Applicants respectfully submit that Claims 2-3, 5-6 and 10-11 all depend from patentable, non-obvious base claims. Hence, by virtue of their dependency therefrom (Claims 1 and 9), Claims 2-3, 5-6 and 10-11 are also non-obvious. Again, since these rejections relate to dependent claims, the specific elements of Claims 1 and 9 provide structural limitations, which have important functional, non-obvious benefits over the prior art. Furthermore, Ikoh *et al.* teaches away from the present invention by requiring switching based on movement of a person/observer. A person skilled in the art would not consider Ikoh *et al.* as relevant prior art, because the underlying problems to be overcome are different between Ikoh *et al.* and the present invention. Reconsideration of the rejection is respectfully requested.

Prior Art Made of Record and Not Relied Upon

The Office Action has also cited Watanabe *et al.* (USPN 6,384,967) and Toshimitsu *et al.* (USPN 6,133,561) as prior art made of record and not relied upon but considered pertinent. Applicants respectfully traverse the holding of pertinence. Watanabe *et al.* in Claim 1 teaches:

An illumination apparatus used for a microscope to guide illumination light to an objective lens attached to a revolving nosepiece, comprising: a light source for radiating the illumination light; an optical system for guiding the illumination light radiated from the light source to the objective lens; an aperture diaphragm switching section, provided in the optical system and having a plurality of aperture diaphragms and a light shielding portion, for switching the aperture diaphragm on the illumination light, linked with motion of the revolving nosepiece, when switching an observation method or the objective lens; and a control circuit for making control so as to shield the illumination light by means of the light shielding

portion of the aperture diaphragm switching section, when switching an observation method or the objective lens, wherein the control circuit shields the illumination light by means of the light shielding portion, before switching an observation method or the objective lens, and makes control such that one of the aperture diaphragms that matches with the observation method or the objective lens is positioned on the illumination light, after switching the observation method or the objective lens.

While Watanabe *et al.* uses the term “switching”, what is occurring is that the diameter of an aperture diaphragm is switched in association with switching of an observation method or an objective lens (Col. 1, lines 5-9). Thus, Watanabe deals with guiding illumination light rather than **turning off an illumination source** and works in a completely different fashion from the present invention.

Toshimitsu *et al.* in Claim 1 teaches:

An electric revolver device comprising: a revolver body which retains a plurality of objective lenses; a positioning device which mechanically positions said revolver body at a predetermined rotational position; an instruction device which instructs a change-over of said plurality of objective lenses; a motor which drives and rotates said revolver body; a rotation detecting device which detects an amount of rotation of said motor; a memory device which stores data according to the amount of rotation of said motor at the time of change-over of the objective lenses in accordance with data of said plurality of objective lenses; and a drive control device which reads out the data stored in said memory device in response to the instruction of change-over from said instruction device and drives said motor until said read-out data concurs with the amount of rotation of said motor detected by said rotation detecting device.

Toshimitsu *et al.* deals with an electric revolver, which rotates and positions the objective lens in a microscope with precision (see Col. 2, lines 57-60). Again, this has nothing to do with turning off a source of illumination. Therefore, Watanabe *et al.* and Toshimitsu *et al.* would not be considered especially pertinent art for an invention which teaches turning off a source of illumination in a microscope, by a means for sensing inactivity of a switch and for turning off the illumination source after a predetermined time period of inactivity of the switch.

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**CONCLUSION**

Applicant respectfully submits that the present application is now in condition for allowance, which action is courteously requested. The Examiner is invited to contact the undersigned agent of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sumita Chowdhury-Ghosh".

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